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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,589	02/06/2002	Stephen S. Raskin	7732-02045	8286

7590 02/12/2003

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 02/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/068,589

Applicant(s)  
Raskin Stephen et al.

Examiner  
YVONNE M. HORTON

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3635



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Feb 6, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 1 1/2 6) ☐ Other:

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### DETAILED ACTION

#### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Regarding claims 1 and 8, the phrase "can be" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "can be"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). Further, it is not clear if those elements following "can be" are an actual part of the claim limitations.
4. Regarding claim 10, the phrase "dovetail-like" renders the claim(s) indefinite because the claim(s) does not clearly set forth what is encompassed by "dovetail-like", thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

#### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1- 3 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,385,941 to POWER, Jr. et al. POWER, Jr. et al. discloses the use of a structural beam (100)

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including an elongated load bearing element (110,160) having a plurality of inner walls (130,170) with projections (132,172); wherein an elongated reinforcing slat (140,150) connects with the projections (132,172). Regarding claim 2, the beam (100) is rectangular. In reference to claim 3, the reinforcing slat (140,150) is metal, column 5, lines 60-64.

7. Claims 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,944,545 to SIMME. SIMME discloses the use of a structural beam (see figure 2) including an elongated load bearing element (4) having a plurality of outer walls (OW) defining anchoring members (5); wherein an elongated reinforcing slat (8) having female receptacle (9) for receipt of the anchoring member (5) therein. Regarding claim 6, the beam, as shown in figure is rectangular. In reference to claim 7, the reinforcing slat (8) is metal, column 2, line 5.

8. Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #3,382,639 to SMITH et al. SMITH et al. discloses the use of a support member including a rectangular hollow beam (12) having at least one rail formed by walls (18,19); wherein an elongate insert (21) is disposed in interfitting relation within the rails formed by (18,19) to form an elongated channel member (B). Regarding claim 9, the beam (B) is rectangular. In reference to claim 10, as best understood, the rail formed by portions (18,19) for a "dovetail-like" connection.

9. Claims 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,385,941 to POWER, Jr. et al. POWER, Jr. et al. discloses the method of reinforcing a support member including the steps of providing a hollow extruded beam (110,160) having at least one lug (132,172); providing a reinforcing insert (140,150) defining a recess (142,152); and

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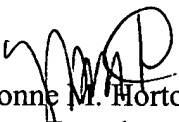
connecting the recess (142,152) with the lug (132,172) in accordance with engineering calculations. Regarding claim 14, the method further includes incorporating a plurality of beams (110,160), see figure 2. In reference to claim 15, the reinforcing insert (140,150) is metal, column 5, lines 60-64.

*Allowable Subject Matter*

10. Claim 4 is objected to as depending upon a rejected base claim; however, would be allowable if rewritten to include all of the limitations of the base claim.

11. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach the use of a structural beam including the combination of a load bearing element with a projection and a reinforcing slat attached to the projection; wherein there includes two reinforcing slats the first of which also includes a projection for receipt of the second slat thereon.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.



Yvonne M. Horton  
Patent Examiner  
Art Unit 3635  
February 10, 2003